THE

TRIAL

OF THE

Right Hon. Ann, Countess of Cork and Orrery,

AT THE

Consistory Court of DOCTORS COMMONS,

Upon a LIBEL,

Charging her with committing the Crime of

ADULTERY,

And violating her Marriage Vow.

A TRIAL of the most extraordinary Nature.

The principal Witnesses, &c. being

John Charles Newby, of the Hay Market Theatre, Musician; Elizabeth Cross, House-keeper to Lady Cork; Ann Newman, Lady's Woman to Lady Cork; Alexander Rice, Box-keeper to the Hay Market Theatre; Nathaniel Vick, Footman to Lady Cork; the Rev. Dr. Eyre; John Colledge, Lord Cork's Gentleman; Susannah Jones; Thomas Sutliff; James Durham; Sophia Van Ryne, Spinster; Robert Brown; Martha Brown; George Bulkley, Musician, at the Hay Market Theatre; William Jones; Thomas Gray; Elizabeth Brown; Ann Lambert, Servant to Lady Cork, &c.

Taken in SHORT-HAND, by a CIVILIAN.

London: Printed for the Proprietor, and sold by G. LISTER, No. 46, Old Bailey; and all other Booksellers.

☞ This Trial is not divided into two Parts, but the Whole is comprized in this One Volume.

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BRITISH MUSEUM

THE TRIAL OF THE Right Hon. ANN, COUNTESS of CORK and ORRERY, &c.

LIBEL.

THE libel is exhibited by the Rt. hon. Edmund, Earl of Cork and Orrery, in the Kingdom of Ireland, and Baron Marſton in the county of Somerſet, againſt the Rt. hon. Ann Counteſs of Cork and Orrery.

It ſets forth that, in the months of May, June, July, and Auguſt, 1764, the Earl of Cork and Orrery, being a batchelor of the age of twenty-one years and upwards, made

his addreſſes to Lady Cork and Orrery (then Ann Courtney, niece of the Rt. hon. John earl of Sandwich) at that time a ſpinſter, of the age of twenty-one years and upwards. That, on the 31ſt of Auguſt, 1764, the ſaid Earl of Cork and Orrery, and Ann Courtney, were lawfully joined together in holy matrimony, in the dwelling-houſe of the Rt. hon. John Earl of Sandwich: that, after the ſolemnization of the ſaid marriage, the ſaid Earl and Counteſs of Cork and Orrery conſummated the ſame, by carnal copulation and procreation of children; and lived and cohabited together as man and wife.

That, in the year 1773, the ſaid Counteſs of Cork and Orrery, without any provocation whatever (being unmindful of her conjugal vow) withdrew herſelf from the houſe and family of her ſaid huſband; and hath ever ſince continued to live ſeparate and apart from him; notwithſtanding he hath often, by himſelf and friends, requeſted and deſired that ſhe would return to him and her family.

That

That his lordſhip always behaved towards his ſaid wife with all love and affection; and as became a good huſband: and he is not a perſon who would be guilty of a breach of his marriage vow.

That the ſaid counteſs of Cork and Orrery, in the ſummer of the year 1779, forgetting her duty to her ſaid huſband, and in open violation of her conjugal vow, became acquainted with one John Charles Newby, a young man employed at the public theatres, to play upon the violencello, (and at that time engaged at the theatre in the Hay-market) and commenced an adulterous intercourſe with him; and very often, in the proſecution of ſuch her adulterous connection, invited him home to her houſe in Queen-ſtreet, near Berkley-ſquare; and then and there they very frequently committed the crime of adultery together.

That the counteſs of Cork and Orrery (though then an abſolute ſtranger to the ſaid John Charles Newby, except having ſeen him

him at the theatre) ſent a letter to him by Mr. Alexander Rice, a box-keepeer at the Hay-market theatre, which was delivered to him;—and the following hint was given in the ſaid letter.—"Lady Cork will be at home to-morrow morning at 11 o'clock, when the muſic may be brought." That, in conſequence thereof, he waited on Lady Cork, but did not carry the muſic of the tambourine dance, or any other muſic with him, as requeſted in the ſaid letter.

That Lady Cork ſent the ſaid Newby repeated invitations, by letter, by chairmen, ſervants, &c. to come to her at her ſaid houſe; but, in order more effectually to conceal the real intent of his coming, Lady Cork artfully wrote her ſaid letters of invitation, as if it was on account of muſic that ſhe wiſhed to ſee him; whereas the party proponent doth expreſsly alledge, that it was the better to carry on the adulterous intercourſe which had taken place between them; for, in fact, the ſaid Lady Cork did not, nor does, play upon any muſical inſtrument;

ſhe

she has not any such in her house, nor did the said Newby, at any of the times he visited her, ever carry any music with him; well knowing that it was his company, and not music, which her ladyship was solicitous of having.

That, very soon after the first visit, her ladyship behaved to Mr. Newby in such a manner, as gave him to understand the attachment she had towards him; and, from that time, during the remainder of the summer, he constantly visited her, at her house in Queen-street; and, at such times, they were constantly alone for several hours at a time; generally, from about eleven o'clock in the morning till four or five in the afternoon; and where they frequently had the carnal use and knowledge of each other's body, upon the sopha and chairs in the said drawing-room; and thereby repeatedly committed the crime of adultery together.

That the servants have, several times, surprised the said Lady Cork, and John Charles Newby, in very indecent and improper situations,

ations, as well upon the ſopha as otherwiſe.

That John Charles Newby, at length growing weary of the connection, determined not to viſit Lady Cork again, pretending, in one of his letters, that he was a married man; though he was not really ſo: her ladyſhip nevertheleſs continued to ſend him letters, entreating and deſiring to ſee him again (in ſome of which ſhe encloſed money;) and her importunities at length became ſo frequent, that, in order finally to put an end thereto, he gave directions to his ſervant, not to take any more letters in which came from her ladyſhip; and ſeveral, which were known to have been ſent by her, have been refuſed.

The party proponent therefore prays that right and juſtice may be adminiſtered to him and his party in the premiſes, and that he may be divorced from bed, board, and mutual cohabitation with the ſaid Counteſs of Cork and Orrery, his wife, by reaſon of adultery.

The Deposition of John Charles Newby.

JOHN CHARLES NEWBY, of Surry-street, in the parish of St. Clement Danes, in the county of Middlesex, gentleman, aged thirty-one years and upwards, a witness produced and sworn.

To the eighth, ninth, tenth, and eleventh articles of the said libel, he deposes and says, That he has known the Right Honourable Edmund Earl of Cork and Orrery, party in this cause, by sight, for about eight or nine years; and came to know him by his being pointed out to him, and seeing him at public places: and it was also by that means, and he believes it might be four or five years ago (but the deponent cannot speak certainly) that he first came to know the Right Honourable Ann, Countess of Cork and Orrery, the wife of the said Lord Cork, and the other party in this

cauſe. He further ſaith, That he received the paper writing, marked C, now ſhewn to him from her Ladyſhip; that the ſame related to muſic only, and to nothing elſe; and he verily believes the ſame to be of her hand writing. That the deponent ſubmits that *the law doth not require him to depoſe to the other parts of the ſaid articles, as pleading matter criminating, or tending to criminate himſelf; and therefore he refuſes to anſwer thereto.*

To the twelfth, thirteenth, fourteenth, fifteenth, ſixteenth, ſeventeenth, and eighteenth articles of the ſaid libel, and to the exhibits or paper-writings, marked with the letters D, E, F, G, H, I, and K, therein exhibited, and now produced and ſhewn to the deponent, he ſaith, that the ſame were received by him from Lady Cork; and related to muſic only, and to nothing elſe, excepting the paying the deponent for the ſame; and he believes the whole ſeries and contents thereof, and

and the superscriptions on such of them as are directed, were and are of the proper hand-writing of the said Lady Cork; that the deponent submits that the law doth not require him to depose to the other parts of the said articles, as pleading matters criminating, or tending to criminate this deponent; and therefore this deponent refuses to answer them.

JOHN CHARLES NEWBY.

March 5, 1781.

The Deposition of Elizabeth Cross.

ELIZABETH CROSS, widow, housekeeper to the Right Honourable Ann, Countess of Cork and Orrery, aged about forty-three years, a witness produced and sworn.

To the ſixth, eighth, ninth, and tenth articles of the ſaid libel, ſhe depoſes and ſays, That, on or about the twenty-fourth of January, 1774, ſhe went to live as houſe-keeper to Lady Cork, and hath continued to live with her in that capacity ever ſince: that, at the time this deponent went to live with her ladyſhip, ſhe underſtood that a ſeparation had lately taken place, between her and Lord Cork, by mutual agreement; and they have ever ſince lived ſeparate and apart from each other; and his Lordſhip hath never, to this deponent's knowledge or belief, at any time ſince the ſaid ſeparation, by himſelf or friends, applied to Lady Cork to live with him again. She further ſaith that ſhe remembers a young man's calling once at Lady Cork's houſe, in Queen's ſtreet, Berkley-ſquare, and believes that he ſaw Lady Cork; but knows not how long he ſtaid with her ladyſhip; or whether he made any ſtay at all: that the ſaid young man was an entire ſtranger

to

to the deponent; and she then saw him so slightly, that she verily believes she should not know him again, if she were to see him: that, to the best of her recollection as to the time, this happened in the course of the summer of the year 1779.

That the deponent had entirely forgot the circumstance of his calling, it being a matter of so little notice; and it was only brought to her recollection sometime about March or April last, by hearing very strange reports had been raised by Lady Cork's enemies, respecting an intimacy between her ladyship and the young man before mentioned.

That the deponent then gathered from Lady Cork's servants, that the said young man, whose name she understood to be Newby, had called at her ladyship's house two or three times in all, in the course of the said summer, with some pieces of music; and the deponent then recollected, that she had once observed, during the said summer, some music laying upon a table

table in the hall, which ſhe believes was either brought by Mr. Newby, or left out by Lady Cork for him; and the deponent, ſo far from thinking that an improper intimacy ever ſubſiſted between her Ladyſhip and Mr. Newby, ſays that ſhe, *from the very bottom of her ſoul*, does believe the charge to be a falſe and a groundleſs one; and that her ladyſhip is as innocent of any criminal intercourſe with Mr. Newby, as the child unborn.

She further ſaith, That ſhe has ſeveral times ſeen Lady Cork write; and, by that means, and by having frequently ſeen papers and memorandums of her writing, ſhe is well acquainted with her manner and character of hand-writing; and, having now carefully viewed the letter or paper-writing now ſhewn to her, marked with the letter C, ſhe ſaith, that ſhe believes the whole ſeries and contents thereof, and the ſuperſcription thereon, to be of the proper hand-writing of Lady Cork; and that Lady Cork, ſeveral times mentioned therein,

therein, (and who as ſhe verily believes wrote the ſame) and the Right Hon. Ann, Counteſs of Cork and Orrery, by her before mentioned, was and is one and the ſame perſon.

To the eleventh and twelfth articles of the ſaid libel, and to the ſeveral paper-writings therein pleaded and exhibited, now marked with the letters D, E, F, G, and H, produced and ſhewn to her, ſhe ſaith, That having carefully viewed the ſame, and the ſuperſcriptions of ſuch of them as are directed, ſhe, from the knowledge ſhe hath of Lady Cork's hand-writing, does believe the whole ſeries and contents of the ſaid five paper-writings and the ſaid ſuperſcriptions, to be all of the proper hand-writing of Lady Cork; and ſhe doth believe, that Lady Cork, who is mentioned therein, (and who as ſhe believes wrote the ſame) and the Right Honourable Ann, Counteſs of Cork and Orrery, to be one and the ſame perſon; and ſhe does apprehend that Mr. Newby, ſeveral

veral times mentioned therein, and Mr. Newby to whom they are directed, and Mr. Newby the young man herein before mentioned, was and is one and the ſame perſon: and, referring to what ſhe hath before depoſed, ſhe knows not farther to depoſe to the ſaid articles; ſave that ſhe never heard Lady Cork play upon any muſical inſtrument; nor has ſhe any ſuch in her houſe, except a guittar, which ſhe had when the deponent went to live with her; but ſhe believes that her ladyſhip *ſings*.

To the thirteenth, fourteenth, and fifteenth articles, ſhe ſays, that ſhe never heard, from any of Lady Cork's ſervants, the leaſt circumſtance that could warrant a ſuſpicion, that there was any thing improper between her ladyſhip and the ſaid Mr. Newby: and ſhe never heard till now, and does not believe, that Lady Cork ever denied herſelf, or gave orders to be denied when Mr. Newby has been with her: that ſhe went to Blackheath as often, in the Summer of the year 1779,

as

as she had ever done; and did not stay in town, as the deponent believes, more that year than she usually did: and, referring to what she hath before deposed, she cannot farther depose to the said articles.

To the sixteenth, seventeenth, eighteenth, and nineteenth articles of the said libel, and to the paper-writings, marked with the letters I, and K, therein pleaded and exhibited, and now produced and shewn to her, she saith, that having carefully viewed the same, she does believe, from the knowledge she hath of Lady Cork's hand-writing, the whole series and contents thereof, and the superscriptions thereon, to be all of the proper handwriting of Lady Cork: and she does believe that Lady Cork, mentioned in the said paper-writings, and the Right Hon. Ann, Countess of Cork and Orrery, was, and is one and the same person: and that Mr. Newby, also therein mentioned, and Mr. Newby, to whom the same are super-

ſcribed, and Mr. Newby by her before mentioned, was, and is one and the ſame perſon: and, referring to what ſhe hath before depoſed, ſhe knows not further to depoſe to the ſaid articles.

The ſame witneſs on interrogatories, adminiſtered on the part of the Right Hon. Ann, Counteſs of Cork and Orrery, party in this cauſe.

To the firſt interrogatory the witneſs (being firſt reminded of the nature of an oath, and of the ſin and danger of perjury, and admoniſhed to ſpeak the truth) anſwered, that ſhe firſt came to know Lady Cork, by going to live with her as houſe-keeper, which was ſeven years ago laſt January; and ſhe hath ever ſince continued to live with her in that ſtation.

To the ſecond interrogatory ſhe anſwers, That ſhe never ſaw or knew of any impropriety in Lady Cork's conduct; and never ſuſpected, or had the leaſt reaſon to

ſuſpect

ſuſpect her ladyſhip capable of any act, not ſtrictly virtuous and honourable.

To the third interrogatory the reſpondent anſwers, That Lady Cork is a perſon of the moſt amiable manners and diſpoſition; and the reſpondent believes her to be unexceptionably virtuous.

ELIZABETH CROSS.

March 7, 1781.

The Depoſition of Ann Newnam.

ANN NEWNAM, ſpinſter, lady's woman to the Right Honourable Ann, Counteſs of Cork and Orrery, aged about thirty years, a witneſs produced and ſworn.

To the ſixth, eighth, ninth, and tenth articles of the ſaid libel, ſhe depoſes and ſays, That ſhe went to live as lady's woman to the ſaid Lady Cork, ſome time on

or about the ninth of September, 1775, and hath continued to live with her ever ſince, in that ſtation; and, by that means, came well to know her ladyſhip.

That ſhe knows Lord Cork, the producent, only by ſight: that ever ſince this deponent hath lived with Lady Cork, the ſaid Lord Cork and Lady Cork have lived ſeparate and apart from each other, and have ſo done ever ſince the year 1774, as this deponent hath underſtood and verily believes. That this deponent always underſtood and believes, their ſeparation was a matter of mutual agreement; and Lord Cork hath never, to this deponent's knowledge or belief, ſince ſhe hath lived with the ſaid Lady Cork, by himſelf, or any friend, applied to her to live with him again.

This deponent further ſaith, that ſhe ſeldom knows what company Lady Cork has with her; and then only when the deponent wants to ſpeak to her Ladyſhip, and enquires of the footman, if ſhe has

any

any body with her, and whom: that with respect to Mr. Newby, she never saw him but once in her life; and that so slightly, that she should hardly know him again, if she were to see him: that the time that she so saw him, was one day in the course of the summer of the year 1779, in the forenoon, at her ladyship's house in Queen-street, Berkley-square, and happened as follows:—That, wanting to speak to Lady Cork about Miss Montague, the deponent (as it is always her custom so to do) enquired of one of the footmen if her ladyship had any company; and was told that she had Mr. Newby with her: that the deponent had heard his name mentioned before by some of the family, as a person who had waited upon her ladyship with some music; and, thinking him a person not very particular, she immediately went to the drawing-room, where Lady Cork usually sits, and knocked at the door, and was desired by her ladyship to come in, which the deponent did, just by the door

and

and told Lady Cork her buſineſs; and the deponent then ſaw the ſaid Mr. Newby ſitting in the room, with his hat in his hand; but how long he had been with Lady Cork, or what ſtay he made, the deponent cannot ſay, any further than ſhe believes he did not ſtay long.

She further ſaith, That one time in the courſe of the ſaid ſummer, ſhe remembers that Lady Cork gave her a note to give to one of the footmen to take to Mr. Newby; and the deponent read the direction, and ſaw it was to Mr. Newby; but ſhe cannot now recollect whether it was before or after her ſeeing Mr. Newby as before mentioned.

She further ſaith, That ſhe never, in her life ſuſpected, nor had the leaſt ground in the world to ſuſpect, that any thing improper or unbecoming, or that was not ſtrictly honourable, ever paſſed between Lady Cork and Mr. Newby; and ſhe never heard that a ſuſpicion of the kind was ever entertained in her ladyſhip's family:

that

that she hath lived with Lady Cork, and near her person, going on six years; and she can safely say, she never remarked any thing in her conduct, but what was truly virtuous.; and she looks upon the present charge against Lady Cork, as one of the most unjust that ever was.

She further saith, That she hath frequently seen Lady Cork write, and hath received letters from her to give the footman; and she is thereby well acquainted with her manner and character of handwriting; and, having now carefully viewed the letter or paper-writing, marked C, now produced and shewn to her; and the superscription thereon being also shewn to her, she saith, that she verily believes the whole series and contents of the said paper-writing, to be of the proper handwriting and superscription of Lady Cork; and she believes that Lady Cork, several times mentioned therein, and the Right Honourable Ann, Countess of Cork and Orrery, was and is one and the same person;

ſon; and further to the ſaid articles ſhe cannot depoſe.

To the eleventh and twelfth articles of the ſaid libel, ſhe depoſes and ſays, That, having now viewed, and carefully peruſed the ſeveral paper-writings, marked D, E, F, G, and H, now produced and ſhewn to her, ſhe does believe, from her knowledge of Lady Cork's manner and character of hand-writing, as before ſet forth, the whole ſeries and contents of the ſaid paper writings, and the ſuperſcriptions on ſuch of them as are directed, to be of the proper hand-writing of the ſaid Lady Cork: ſhe alſo believes that Lady Cork, who appears to have wrote and ſent the ſaid letters, and who is mentioned therein reſpectively, and the Right Honourable Ann, Counteſs of Cork and Orrery, was and is one and the ſame perſon; and that Mr. Newby, ſeveral times mentioned therein, and Mr. Newby, to whom ſuch of them as are ſuperſcribed are directed, and to whom as ſhe apprehends they were ſent, and Mr.

Newby

Newby whom she saw as before mentioned, was, and is likewise one and the same person: and, referring to what she hath before deposed, she cannot further depose to the said articles; save that she believes Lady Cork plays upon a guittar, the deponent having heard her once or twice play upon one; and the deponent hath frequently heard her sing. That, excepting such guittar, which she had when this deponent went to live with her, she hath no other musical instrument in her house.

To the thirteenth, fourteenth, and fifteenth articles of the said libel, she deposes and says, That she never heard of the circumstance of Lady Cork's giving orders to her servants to deny her when the said Mr. Newby hath been with her, and is convinced it must be false, as it would have appeared to the family in so extraordinary a manner, that the deponent is certain she must have heard of it.

She further ſaith, That at the time this deponent went to ſpeak to Lady Cork, when Mr. Newby was with her, as before mentioned, ſhe did not remark but that her ladyſhip was ſerene as uſual; nor did ſhe obſerve that her cloaths were otherwiſe than they ſhould be: and, referring to what ſhe hath before depoſed, ſhe knows not farther to depoſe to the ſaid articles; ſave, that Lady Cork was out of town as often, during the Summer of the year 1779, as ſhe had been the year before; which was generally at the Earl of Sandwich's houſe, at Blackheath; where ſhe has ſtaid for a week or a fortnight together, and where this deponent always attended her.

To the ſixteenth, ſeventeenth, eighteenth, and nineteenth articles of the ſaid libel, ſhe ſays, that having now carefully viewed the two paper-writings, now ſhewn to her, marked I, and K, ſhe does believe, from the knowledge ſhe has of Lady Cork's hand-writing; that the whole

ſeries

ſeries and contents of the ſaid two paper-writings, and the ſuperſcriptions, or addreſs thereon, to be all of the proper hand-writing of Lady Cork: and ſhe does alſo believe, that Lady Cork, mentioned in the ſaid two paper-writings, and the Right Honourable Ann, Counteſs of Cork and Orrery; and Mr. Newby alſo therein mentioned, and Mr. Newby to whom the ſame are directed, and Mr. Newby whom the deponent once ſaw, as before mentioned, were, and are the ſame perſons: and, referring to what ſhe hath before depoſed, ſhe knows not further to depoſe to the ſaid articles.

The ſame witneſs on interrogatories, adminiſtered on behalf of the Right Hon. Ann, Counteſs of Cork and Orrery, party in this cauſe.

To the firſt interrogatory the witneſs (being reminded of her oath and admoniſhed) anſwers, that ſhe firſt came to

know Lady Cork, by going to live with her as her woman, which was ſometime on or about the ninth of September, 1775, and ſhe hath lived with her in that capacity ever ſince.

To the ſecond interrogatory, ſhe anſwers, That ſhe had no caution given her by Lady Cork, or by any other perſon, not to come in to the room to her ladyſhip when Mr. Newby hath been with her.

To the third interrogatory, ſhe anſwers, That having occaſion to ſpeak to Lady Cork one day, in the courſe of the ſummer of the year 1779, (and which ſhe hath already particularly mentioned in her examination in chief) ſhe firſt tapped at the door of the room where her ladyſhip and Mr. Newby were ſitting; and ſhe ſaith, that it was and is her conſtant cuſtom, when ſhe hath had occaſion to ſpeak to her ladyſhip, firſt to tap at her door: that upon the reſpondent's tapping at the door, at the time Mr. Newby was ſo with her, Lady Cork immediately (from within) de-

ſired

ſired the reſpondent to come into the room, which the reſpondent accordingly did, and ſpoke to her; and the reſpondent did not obſerve that her ladyſhip's dreſs appeared in the leaſt diſcompoſed or tumbled; nor did ſhe remark the leaſt confuſion or agitation in either her ladyſhip or Mr. Newby: that he was ſitting in a chair, with his hat in his hand; and, upon the reſpondent coming into the room, her ladyſhip roſe and came to her, and ſpoke to her, and the reſpondent ſaw not the leaſt impropriety to make a remark of.

To the fourth interrogatory, ſhe anſwers, That Lady Cork hath lived in the ſame houſe in Queen-ſtreet, ever ſince the reſpondent hath lived with her; and the ſame is a corner houſe: that the room, in which her ladyſhip and Mr. Newby were ſitting (as before mentioned) is the drawing room, and the room in which her ladyſhip conſtantly ſits, and where ſhe ſees all perſons who come to her: that the ſaid room is up one pair of ſtairs, and the

corner

corner of the ſaid ſtreet, with a bow-window to it; and, from its ſituation, and having five windows in it, the ſame is very much overlooked by many of the neighbouring houſes; from which may be ſeen, almoſt whatever paſſes in the ſaid room: that the ſaid room is adjoining to the ſtaircaſe, and opens thereon; and the reſpondent verily thinks that perſons going up and down ſtairs, may, in ſome meaſure, hear what paſſes therein.

To the fifth interrogatory, ſhe anſwers, That ſhe hath not, during the whole time that ſhe hath lived with Lady Cork, ever ſeen or known any impropriety in her ladyſhip's behaviour or conduct; and ſhe never ſuſpected her ladyſhip of any act not ſtrictly virtuous and honourable.

To the ſixth interrogatory, ſhe anſwers, That ſhe can ſay, with truth, that ſhe believes Lady Cork unexceptionably virtuous; and that ſhe is a lady of moſt amiable manners and diſpoſition.

ANN NEWMAN.

March

March 9, 1781.

The Depoſition of Alexander Rice.

ALEXANDER RICE, box-book-keeper, at the Theatre Royal in the Hay Market, aged about thirty-two years, a witneſs produced and ſworn.

To the ninth and fifteenth articles of the ſaid libel, he depoſes and ſays, That he is box-book-keeper, at the Theatre Royal in the Hay Market, and hath been ſo for the three laſt ſummer ſeaſons; and he, by that means, came to know Lady Cork, who frequented the ſaid theatre.

He further ſaith, That during the ſummer ſeaſon of the year 1779, but more particularly he cannot recollect, he one time waited upon her ladyſhip, at her houſe in Queen-ſtreet, May-Fair, in the county of Middleſex, reſpecting her ladyſhip's engaging a box for that or a future night; and ſhe told the deponent ſhe wanted a piece of muſic wrote out, and aſked him if he would deliver a letter for her to Mr. Newby; thereby meaning one

of

of the gentlemen of the band belonging to the ſaid theatre; and the deponent told her ladyſhip he certainly would; and ſhe thereupon ſaid ſhe would ſend ſuch letter to the deponent by her ſervant: and ſome time in the afternoon of that ſame day, as this deponent believes, he received a note from Lady Cork, by one of her ladyſhip's ſervants, incloſing another note, directed to the ſaid Mr. Newby; which her ladyſhip, in her note to this deponent, deſired he would give as directed; and the deponent accordingly, that ſame evening, before the play began, delivered the ſame to Mr. Newby in the orcheſtra.

That to the beſt of his remembrance and belief (but he does not ſpeak poſitively) Mr. Newby, in the courſe of the evening, came round to the deponent, and gave him to underſtand, that Lady Cork had wrote to him for a piece of muſic, and which, he ſaid, he ſhould not be able to write out by the time her ladyſhip deſired it; and the deponent thinks, that Mr. Newby, at the ſame time, left a note with him

him to give to Lady Cork, as an anſwer to her ladyſhip's note to him; and which, the deponent apprehends, he delivered to Lady Cork, or her ſervant, of courſe; and, from that circumſtance, he thinks Lady Cork was certainly at the theatre that night.

He further ſaith, That he is certain that her ladyſhip was ſeveral times out of town during the before-mentioned ſeaſon; for he received ſeveral letters from her in the country; which letters were to inform the deponent, what day ſhe ſhould be in town, and to deſire him to engage ſuch a box for her: that her ladyſhip was a pretty conſtant frequenter of the ſaid theatre, and might be there, during the ſaid ſeaſon, generally about three or four times a-week, but not more, as the deponent believes, upon the average: that it is not the cuſtom of the ſaid theatre, ever to engage a box for the ſeaſon; but any gentleman or lady, wiſhing for a particular box

(which is often the caſe) and ſending in time, may always have it, if diſengaged.

That the box which Lady Cork always fixed upon, and ſat in (if diſengaged) is next adjoining to the King's ſtage-box, and is near that end of the orcheſtra where the perſon who plays the violincello uſually ſits; and which the ſaid Mr. Newby played that ſeaſon.

He laſtly ſaith, That he is frequently upon the ſtage, and at other places in the theatre, during the performance; but he never remarked any thing in Lady Cork's behaviour, that gave him the moſt diſtant ſuſpicion that her ladyſhip had any attachment for the ſaid Mr. Newby, nor did he ever hear ſuch a thing ſuggeſted, till after the cloſe of the ſeaſon; when a perſon called upon him, as he imagines on the part of Lord Cork, and interrogated him as to what he knew of any ſuch matter; and it was, by meeting Lord Cork upon the ſame buſineſs, that he came to know

his

his Lordſhip; and further to the ſaid articles he cannot depoſe.

The ſame witneſs, on interrogatories adminiſtered on the part of the Right Honourable Ann, Counteſs of Cork and Orrery.

To the firſt interrogatory, the witneſs (after being reminded of his oath and admoniſhed) anſwers, That he was appointed box-keeper to the Theatre Royal in the Hay Market, at the beginning of the ſeaſon of the year 1778; and has ever ſince belonged to the theatre in that capacity; and he came to know Lady Cork ſoon after he was ſo appointed, by her frequenting the ſame; that the reſpondent alſo belonged to Covent Garden Theatre, in the quality of a numberer; and the preſent is the ſecond ſeaſon that he hath belonged to the ſame.

To the ſecond interrogatory, the reſpondent anſwers, That Lady Cork hath very frequently been at both the ſaid theatres, ever ſince he hath belonged to the

ſame: that Lady Cork, whenever ſhe comes to either of the ſaid theatres, generally ſits in the box next the King's ſtage-box, on the left ſide of the houſe; but the ſaid box is not called Lady Cork's box at either of the ſaid theatres, but when ſhe ſits in the ſame: that Lady Cork hath conſtantly had a party of people of diſtinction with her, when ſhe hath come to the Hay Market theatre, and believes ſhe had always a party with her when ſhe came to Covent Garden theatre.

To the third interrogatory, he anſwers, That Mr. Newby has never been a performer, or otherwiſe, at Covent Garden theatre, ſince the reſpondent hath belonged thereto.

To the fourth interrogatory, the reſpondent anſwers, That he is frequently upon the ſtage, and in other places, at the Hay Market, during the performance, from whence he can ſee the company in the boxes; and he never, in his life, ſaw any impropriety, or any thing particular

or

or remarkable, in Lady Cork's behaviour to the ſaid Mr. Newby: and the reſpondent verily thinks, if there had been any thing remarkable in her ladyſhip's behaviour to Mr. Newby, he muſt have ſeen it.

To the fifth interrogatory, he anſwers, That, when any pieces of muſic are performed at the theatre, if a perſon of diſtinction wants the ſame, the reſpondent ſuppoſes the moſt likely method of obtaining them, is to ſend to one of the performers.

A. RICE.

March 17, 1781.

The Depoſition of Nathaniel Vick.

NATHANIEL VICK, ſervant to the Right Honourable Ann, Counteſs of Cork and Orrery, aged twenty-ſix years, a witneſs produced and ſworn.

To

To the ſixth, eighth, ninth, and tenth articles of the ſaid libel, he depoſes and ſays, That on or about the 2d of February, 1777, he went to live with the ſaid Lady Cork as her footman, at her houſe, in Queen-ſtreet, May-Fair, and has continued to live with her ever ſince in that capacity; during all which time, the ſaid Lady Cork hath lived ſeparate and apart from her huſband the Right Honourable the Earl of Cork and Orrery, whom the deponent only knows by ſight.

He further ſaith, that in the courſe of laſt June was twelvemonth (but more particularly he cannot remember), a gentleman, then a ſtranger to the deponent, called at Lady Cork's houſe, ſometime in the forenoon of the day, and deſired this deponent to tell her ladyſhip that his name was Newby, and that he had waited upon her with ſome muſic: that this deponent carried ſuch meſſage to her ladyſhip; and, by her deſire, he ſhewed the ſaid Mr. Newby into the

drawing-

drawing-room, where her ladyſhip was ſitting: and the deponent then ſaw him take ſome muſic out of his pocket. That the ſaid Mr. Newby ſtaid with her ladyſhip about a quarter of an hour, and then went away. And the deponent, upon going into the room after he was gone, ſaw ſome muſic lying upon one of the tables. That, to the beſt of the deponent's recollection, as to time, Mr. Newby called again, about four or five days afterwards, in the forenoon; and the deponent, as before, carried his name to her ladyſhip, and ſhewed him up into the drawing-room, where ſhe was ſitting; and the deponent thinks he might ſtay half an hour with her ladyſhip: that the deponent obſerved, that he again brought muſic with him; and he ſaw it lying on one of the tables after he went away. That, to the beſt of the deponent's remembrance, Mr. Newby did not call again upon her ladyſhip, for a fortnight, or three weeks: that, when he called the

third

third time, he told the deponent he had brought ſome muſic for her ladyſhip; and the deponent took in his name to her ladyſhip, and ſhe deſired the deponent to ſhew him up, as before; and the deponent thinks he might make the ſame ſtay as before. That he called again about three or four days afterwards, and brought muſic with him, and was ſhewn into the drawing-room to her ladyſhip, as before; and made his uſual ſtay of half an hour. That the deponent is in doubt, whether he called a fifth time; that, if he did, it was in the ſame manner as before; and it was the laſt time the deponent ever ſaw him: and he ſaith, that he never had the leaſt idea, that any thing but what was ſtrictly innocent, ever paſſed between the ſaid Lady Cork and Mr. Newby; nor was there any part of her ladyſhip's behaviour to him, as the deponent ever obſerved himſelf, or heard from others, whereon to found a ſuſpicion to the contrary. And he does verily, and in his conſcience

conſcience believe, the charge brought againſt Lady Cork, for committing adultery with the ſaid Mr. Newby, to be entirely falſe.

He further ſaith, That he has frequently ſeen Lady Cork write, and is thereby well acquainted with her manner and character of hand-writing; and, having now viewed, and carefully peruſed the letter, or paper-writing, now ſhewn to him, marked C, he ſaith, that he verily believes the whole ſeries and contents thereof, to be of the proper hand-writing and ſuperſcription of Lady Cork; and he does believe, that Lady Cork, ſeveral times mentioned therein, and who, as he verily believes, wrote the ſame; and the Right Hon. the Counteſs of Cork and Orrery, was, and is one and the ſame perſon. And further to the ſaid articles he knows not to depoſe; ſave that he underſtood that Mr. Newby was a muſician at the theatre in the Hay Market.

To the eleventh and twelfth articles of the ſaid libel, he depoſes and ſays, That be-

tween the intervals of time that Mr. Newby ſo called upon her ladyſhip, he hath received notes from Lady Cork, directed to Mr. Newby, together with ſome muſic to be returned; which, by her ladyſhip's direction, he hath given to one of her chairmen to take to Mr. Newby. That the notes he ſo received from her ladyſhip, directed to Mr. Newby, were not (to the beſt of his recollection) above three or four in number; that he believes Lady Cork plays a little upon the guittar, having ſeen her now and then take one in her hand; and he hath ſeveral times heard her ſing: that, excepting the guittar, which ſhe had when the deponent went to live with her; ſhe hath no other muſical inſtrument in her houſe. He further ſaith, that, as by him before depoſed, he is well acquainted with Lady Cork's manner and character of hand-writing; and, having now carefully viewed the five ſeveral paper-writings, marked D, E, F, G, and H, now ſhewn to him, and the ſuperſcriptions on ſuch of them as are directed, he ſaith,

that

that he verily believes the whole ſeries and contents of the ſaid five paper-writings, and the ſaid ſuperſcriptions, to be all of the proper hand-writing of Lady Cork; and he alſo believes, that Lady Cork, who (as he believes) wrote and ſent the ſaid letters, and who is mentioned therein, and the Right Hon. Ann, Counteſs of Cork and Orrery, was, and is one and the ſame perſon; and that Mr. Newby, ſeveral times, mentioned therein, and Mr. Newby to whom ſuch of them as are ſuperſcribed are directed, and who, as he apprehends, received the ſame from the meſſenger to whom they were given (by, or by the direction of Lady Cork), and Mr. Newby, who called upon her ladyſhip, as before mentioned, was, and is one and the ſame perſon; and, referring to what he hath before depoſed, he knows not further to depoſe to the ſaid articles.

To the thirteenth, fourteenth, and fifteenth articles of the ſaid libel, he depoſes and ſays, That he never received any orders from Lady Cork (when Mr. Newby

hath been with her) to deny any one; and, if any ſuch orders had been given, this deponent muſt have received them, as her ladyſhip had, at that time, but one footman, which was this deponent, whoſe buſineſs it was to open the door, and carry in meſſages to her ladyſhip. And this deponent can take upon himſelf to ſay, that her ladyſhip's ſiſter was never denied admittance when Mr. Newby was with her, or at any other time: that the deponent never, at Mr. Newby's departure, went to the window to look after him; nor did he ever remark that any of the family did. That he verily believes Mr. Newby never was with her ladyſhip, but what he went into the room to carry meſſages to her; and he never remarked any thing that could give him a ſuſpicion, that any thing improper paſſed between them; nor did he ever hear a remark of the kind made by any of the ſervants in the family.

He further ſaith, That her ladyſhip was backwards and forwards, as uſual, at Lord Sandwich's

Sandwich's houſe, at Blackheath, during the whole of the Summer of the year 1779; where ſhe ſtaid ſometimes a week and more together. That ſhe was frequently that Summer at the theatre in the Hay Market; but not more ſo, he believes, than at any other Summer: that her ladyſhip moſtly ſat in the box, next to the King's ſtage-box, whenever ſhe went there; and, referring to what he hath before depoſed, he knows not further to depoſe to the ſaid articles.

To the ſixteenth, ſeventeenth, eighteenth, and nineteenth articles of the ſaid libel, he depoſes and ſays, That no letter that Lady Cork ever ſent to Mr. Newby, was, to this deponent's knowledge or belief, brought back again by the meſſenger carrying the ſame: and the paper-writings, marked I and K, being now produced and ſhewn to him, and he having carefully viewed the ſame, ſaith, that he believes, from his knowledge of her ladyſhip's handwriting, the whole ſeries and contents thereof, and the ſuperſcriptions thereon, to be

be all of the proper hand-writing of the ſaid Lady Cork; and he believes that Lady Cork, mentioned in the ſaid paper-writings, and the Right Hon. Ann, Counteſs of Cork and Orrery; and Mr. Newby, alſo therein mentioned, and Mr. Newby, to whom the ſame are ſuperſcribed, and Mr. Newby who called upon her ladyſhip as before mentioned, were and are the ſame perſons: and, referring to what he hath before depoſed, he knows not further to depoſe to the ſaid articles.

The ſame witneſs on interrogatories, adminiſtered on behalf of the Right Hon. Ann, Counteſs of Cork and Orrery.

To the firſt interrogatory (the witneſs being reminded of his oath and admoniſhed) anſwers, That he hath lived with her ladyſhip, as her footman, four years the ſecond of laſt February, and ſtill continues to live with her as ſuch: that he knew her ladyſhip by ſight, ſeveral years before he went to live with her.

To

To the second, he answers, That he never had the least caution given him by Lady Cork, or by any other person, not to come into the room to her, when Mr. Newby has been with her.

To the third interrogatory, he answers, That Mr. Newby was with Lady Cork about four or five times in all, and generally staid with her ladyship about half an hour, or three quarters of an hour; and at all the times that he so waited upon her ladyship, he was shewn up into her drawing-room, in which her ladyship always sits and receives persons: that he never had any orders to deny Lady Cork to any person or persons whatever, when Mr. Newby was so with her; and never did deny her at any of such times: and, at all and every of the said times, the respondent went into and came out of the said room where they were sitting, just as circumstances made it necessary, without any restraint whatever, and in the same manner as if any other person was with her ladyship: and he never, at any of such

times,

times, found the door faſtened when he was going into the room; and he verily believes the ſame never was faſtened.

To the fourth interrogatory, he anſwers, That he never, at any of the time or times he went into the ſaid room where Mr. Newby was with Lady Cork, obſerved that either Lady Cork or Mr. Newby ever appeared the leaſt agitated or confuſed, or her ladyſhip's dreſs rumpled or diſcompoſed; and he never ſaw any thing improper, or any indecorum paſs between them: and he never, in his life, ſuſpected that any thing improper had paſſed between them.

To the fifth interrogatory, he anſwers, That Lady Cork's houſe in town, from the time the reſpondent has lived with her, has been the corner of Queen-ſtreet, May Fair: that the room, in which her ladyſhip always uſed to ſee Mr. Newby, is the room in which her ladyſhip receives all perſons who come to her: that ſuch room is up one pair of ſtairs, and the corner of the ſtreet, with a bow-window to it;

and,

ind, from the ſituation, and the number of windows in the ſaid room, it is very much overlooked by many of the neighbouring houſes; and, whatever paſſes in the ſaid room, may be ſeen from the ſaid houſes: that the ſaid room is cloſe adjoining to the ſtair-caſe, and perſons going up and down ſtairs, may hear what paſſes therein.

To the ſixth, he anſwers, That he hath never, during the whole of the time he hath lived with Lady Cork, ſeen or known of any impropriety in her ladyſhip's behaviour or conduct; nor hath he ever ſuſpected her ladyſhip of any act not ſtrictly virtuous and honourable; and that her ladyſhip is of an amiable diſpoſition, and unexceptionably virtuous, as he verily believes.

To the ſeventh, he anſwers, That ſome time in March laſt, a chairman brought a meſſage to him at Lady Cork's, that there were two perſons at the Blue Poſts, a public houſe in Bond-ſtreet, who deſired to

ſpeak with him: that he immediately went to the ſaid houſe, and, upon his enquiring for the ſaid perſons, he was ſhewn into a room up ſtairs; and he there ſaw a perſon, dreſſed in black, who called for ſome punch, and preſſed the reſpondent to drink, and ſaid that he and his friend had deſired to ſee the reſpondent, but that his friend had ſtept out, and would return in a few minutes. The deponent further ſaith, That the ſaid perſon never returned; and that the ſaid perſon in black, was John Colledge, as he afterwards found out; and had lived with Lord and Lady Cork, when they lived together: that ſuch perſon told the reſpondent, he was employed by Lord Cork to enquire into a matter of much conſequence, which, he ſaid, the reſpondent might be able to ſatisfy him in; and he thereupon began to enquire what perſons viſited Lady Cork, and whether ſhe had not a great connection; and he aſked the reſpondent if he could

could not recollect Mr. Newby; and the reſpondent, not immediately recollecting the name, ſaid he could not: and the ſaid John Colledge ſaid, he was ſure the reſpondent muſt know every thing; and that, if he would ſpeak out, reſpecting what he knew had paſſed between Lady Cork and Mr. Newby (which he hinted was of a very criminal nature) the reſpondent ſhould have no cauſe to repent;—that he ſhould be handſomely rewarded for it: that they ſoon afterwards parted; and the reſpondent, the next day, received an anonymous note, deſiring him to meet the parties at ſuch a place; but, ſuſpecting they had ſome bad deſign of injuring Lady Cork's reputation, he did not go: that he afterwards received two other notes to the ſame effect; but, having the like ſuſpicion, he paid no attention to them.

NATHANIEL VICK.

May 3, 1781.

The Depoſition of the Rev. Dr. Thomas Eyre.

The Rev. THOMAS EYRE, Doctor of Laws, of Chilmark, in the county of Wilts, aged about fifty years, a witneſs produced and ſworn.

To the ſecond and fifth articles of the ſaid libel, he depoſes and ſays, that he well knows Lord Cork, party in this cauſe, and has ſo known him upwards of eighteen years; and came firſt to know him by his lordſhip's having a ſeat at Marſton, in the county of Somerſet, in the neighbourhood whereof this deponent then poſſeſſed a living: that, by means of his acquaintance with Lord Cork, he ſoon afterwards came to know Lady Cork, his wife, the other party in this cauſe, by her coming down on a viſit to Lady Torrington,

rington, his lordſhip's ſiſter, at Marſton, aforeſaid. That her name was then Courtenay, and ſhe was a ſingle perſon. That about a month after ſhe ſo came down, a marriage took place between her and the ſaid Lord Cork: and they, for that purpoſe, went to town; and the deponent, by particular deſire of his lordſhip, accompanied him to town, for the purpoſe of performing the ceremony; and accordingly, on Friday, the 31ſt of Auguſt, 1764, by virtue of a ſpecial licence, granted for that purpoſe, by the moſt Reverend Father in God, Thomas, then Archbiſhop of Canterbury, the ſaid Lord Cork, and Lady Cork, (then Ann Courtnay, ſpinſter) were lawfully joined together in holy matrimony, at the dwelling-houſe of the Earl of Sandwich, ſituate at Whitehall, in the pariſh of St. Martin in the Fields, in the county of Middleſex, by this deponent, who was then, and ſtill is, a prieſt or miniſter in holy orders, of the

church

church of England, according to the rites and ceremonies of the ſaid church; and they were by him pronounced to be lawful huſband and wife, in the preſence of the ſaid Earl of Sandwich, and a Mrs. Poyutz, Lady Cork's ſiſter: and the ſaid Lord and Lady Cork have ever ſince been ſo accounted, reputed, and eſteemed to be by and amongſt their neighbours, friends, acquaintances, and others. That from and after the ſolemnization of the ſaid marriage, the ſaid Lord and Lady Cork immediately went to his lordſhip's ſeat at Marſton; where they lived and cohabited together as man and wife; and they continued, as the deponent verily believes, to cohabit as man and wife for ſeveral years, and they then ſeparated; but when, in particular, their ſeparation took place, the deponent cannot ſet forth: that, during their ſaid cohabitation, they had ſeveral children, great part of whom are ſtill living:

and

and further he knows not to depoſe to the ſaid articles.

May 5, 1781.

The ſame witneſs on interrogatories, adminiſtered on behalf of Lady Cork, party in this cauſe.

To the firſt interrogatory, he anſwers, That he hath known Lord Cork, the producent, and Lady Cork, the miniſtrant, about eighteen years; that he believes the ſeparation between them took place ſome time in or about the year 1773. That he cannot ſay, of his own knowledge, from what cauſe ſuch ſeparation happened; as he had juſt returned from abroad, after an abſence of two years, about the time that the ſame took place; and was very ſoon afterwards himſelf married; and from that time, chiefly reſided in the country; ſo that he had little or no opportunities of ſeeing either of the parties.

To

To the ſecond interrogatory, he anſwers, That, for the laſt twelve years, he hath not lived in any habit of intimacy with Lord Cork; having chiefly reſided in the country, as before mentioned; and therefore he cannot, of his own knowledge, ſpeak of his being of a looſe, vicious, and debauched character: and, for the ſame reaſon, he apprehends, it is impoſſible for him, with any degree of juſtice, to ſpeak to his lordſhip's general reputation in that reſpect.

To the third interrogatory, he anſwers, that, as far as he knows and believes, Lady Cork is an amiable and virtuous perſon, and generally eſteemed and regarded as ſuch.

THOMAS EYRE.

June 1

9th June, 1781.

The Depoſition of Thomas Gray.

THOMAS GRAY, of Piccadilly, in the county of Middleſex, aged fifty years, a witneſs produced and ſworn.

To the eighth and fifteenth articles of the ſaid libel, he depoſes and ſays, that he has for many years laſt paſt, performed as a Muſician at the Theatre in the Hay-market, and that he well knows John Charles Newby; and to the beſt of his recollection, the ſaid John Charles Newby was employed to play the Violencello, from the time Mr. Coleman firſt became manager of the ſaid Theatre (which was about four years ago) till the expiration of the ſeaſon in the year 1779.

He further ſaith that he remembers, that a Lady pretty conſtantly attended the ſaid Theatre that ſeaſon, and generally ſat in the box next to the king's box; and which is at that end of the orcheſtra, where the

perſon playing the Violencello always ſits; and he remembers obſerving that the ſaid lady's attention ſeemed much drawn; and ſhe very frequently, with her glaſs, looked towards that part of the orcheſtra; but he never obſerved any thing particular or remarkable in her behaviour to the ſaid John Charles Newby; nor did he obſerve that ſhe ſeemed particularly to look at him: that the deponent did not know who the ſaid lady was, till about the concluſion of the ſaid ſeaſon; when, enquiring, he was told ſhe was Lady Cork: and he hath ſeveral times ſince ſeen the ſaid lady at public places, and knows her to be Lady Cork: and further he knows not to depoſe to the ſaid articles.

THOMAS GRAY.

31*ſt May*, 1781.

The Depoſition of Sophia Van Ryne.

SOPHIA VAN RYNE, of Piccadilly, in the county of Middleſex, ſpinſter, aged twenty-four years, a witneſs produced and ſworn.

To the ſaid libel, ſhe depoſes and ſays, that ſhe knows Lord Cork, the party producent; and came to know him ſome time in the ſummer of the year 1779, by frequently ſeeing him at colonel Cox's, at Cox-heath, in the county of Kent, and being in his company there: that ſhe has no knowledge of Lady Cork, his lordſhip's wife (the other party in this cauſe) excepting that ſhe remembers that her ladyſhip was once pointed out to her at Drury-lane play-houſe. She further ſaith, that ſhe well knows John Charles Newby; and firſt came to know him about five or ſix years ago; and, from about the month of No-

vember, 1778, to the month of March or April following (to the beſt of her recollection as to the time) this deponent lived with the ſaid John Charles Newby; firſt, in lodgings, at the houſe of a Mr. Robbins, in Oxford-ſtreet; and afterwards, in other lodgings, at the houſe of a Mr. Drummond, in Taviſtock-ſtreet, Covent Garden; where they lived when this deponent left him (which was on or about the ſaid month of March or April;) and where the ſaid John Charles Newby continued to live, till ſometime on or about the month of February, or March, 1780; this deponent knowing, as ſhe occaſionally viſited there, down to that time.

That the ſaid John Charles Newby is about thirty years old, as ſhe believes; and, at the time this deponent firſt knew him, was engaged at the public theatres, as one of the band; and ſo continued to be, as this deponent believes, till ſometime on or about the beginning of the year 1780; this deponent occaſionally ſeeing him play among the band till nearly down to that time.

She further ſaith that, ſometime in or about the month of Auguſt, 1779, this deponent dined with the ſaid John Charles Newby, at his lodgings in Taviſtock-ſtreet; and, after dinner, in the courſe of converſation, he mentioned to the deponent that he had had an intrigue with a counteſs; and, upon the deponent's ſaying ſhe did not believe it, he ſaid it was with Lady Cork (thereby meaning Lady Cork, party in this cauſe;) and that he could ſhew the deponent her letters, with her name and her ſeal to them: and he thereupon went to his drawers, and brought the deponent ſeveral letters, to the number (as ſhe now beſt remembers and believes) of ſixteen or eighteen: and, while this deponent was turning them over, and reading them, he ſaid ſhe had no occaſion to read any more of them; for that they were all wrote in the ſame manner; and that ſhe would not diſcover any thing from them, as they were all wrote as if they were about muſic only. That the deponent read ſome few of them, and found them really to be from Lady Cork;

Cork; and obſerved her ſeal, which was a coronet and cypher, affixed to ſeveral of them: and it induced her to believe what the ſaid John Charles Newby had told her with reſpect to Lady Cork. That ſhe returned the ſaid letters to him, and he put them in the drawer, from whence he had taken them; and ſoon after, going out to attend his buſineſs at the Theatre, this deponent, when he was gone, impelled by curioſity, went to the ſaid drawer, which was unlocked, and read the whole of the ſaid letters; and found them to be to the effect mentioned by John Charles Newby, concerning muſic; and the ſeveral letters, or paper-writings, marked C, D, E, F, G, H, I, and K, pleaded and exhibited in the ſaid libel, being now produced and ſhewn to her, and ſhe having carefully inſpected the ſame, ſaith, from their general appearance, and what ſhe remembers of the hand-writing and contents, ſhe does verily and in her conſcience believe, they are eight of the very letters, or notes, which the ſaid John Charles Newby ſo ſhewed her, and

which

which she read, as before-mentioned; and which she afterwards, at the particular request of Lord Cork, obtained, and gave to him.

She further saith that, after the conversation above-mentioned, she had several other conversations with the said John Newby, in the course of the said year 1779, respecting his connection with Lady Cork; and she well remembers his telling her, in those conversations, that the way in which Lady Cork first introduced herself to him, was by sending him a letter, by Rice the box-keeper at the Hay-market Theatre; and that, if he had not received such letter, he said his intention was to have wrote to her, as her behaviour to him in public was so particular: that he waited upon her at her house in Queen street, May Fair, in consequence of that letter; and, by her desire, waited upon her again: and that during their intimacy, which only lasted (as he told the deponent) about two months, and was then just broke, when he first mentioned it to the deponent, he called several times as by appoint-

appointment; and that, the third or fourth time of his going he lay with her; (thereby meaning that he had the carnal uſe and knowledge of her body;) and that ſhe made the firſt advances to him: and that, during their intimacy, he lay with her ſeveral times; and that once, in particular, he lay with her upon a chair, when ſhe was full dreſſed, and going to Court: and that he uſed frequently to ſtay with her from eleven in the forenoon till five or ſix in the afternoon: and, upon the deponent's aſking him whether, by ſtaying ſo long, he was never interrupted by company coming; he ſaid Lady Cork always gave orders to be denied to every body. And the ſaid John Charles Newby further mentioned, that he was at laſt quite aſhamed of Lady Cork's ſervants ſtaring at him; and that they uſed to get together for that purpoſe, and look over the blinds of the windows as he went out; that the door of the room, where he and lady Cork were, was never locked; and that he obſerved that her woman came in ſeveral times, when not called for; and that ſhe

was

was once very near ſurprizing them upon a ſopha: that at laſt, tired of the connection, he wrote her a letter, informing her he was a married man; which he ſaid he thought the moſt likely means of breaking off the connection; that, after that, Lady Cork ſent him ſeveral letters; and being importuned with them, he at laſt gave orders to his ſervant not to receive them: or the ſaid John Charles Newby, in the converſations the deponent frequently had with him upon the ſubject, expreſſed himſelf to that or the very like purport or effect. And the deponent, by ſeeing the before-mentioned letters from Lady Cork, to the ſaid John Charles Newby, and alſo by what ſhe otherwiſe heard, was induced to believe the truth of what the ſaid Charles Newby ſaid, reſpecting his intimacy with Lady Cork; and ſhe does verily and in her conſcience believe, the ſaid John Charles Newby and Lady Cork, had, during the aforeſaid intimacy, ſeveral times the carnal uſe and knowledge of each other's bodies, and thereby committed adultery: and further to the ſaid Libel ſhe

knows not to depoſe; ſave, that the perſon who pointed out Lady Cork to the deponent, as mentioned in the former part of her depoſition, was the ſaid John Charles Newby, and ſhe remembers it was at the opening of Drury-Lane Play-houſe in 1779.

The ſame witneſs, on interrogatories, adminiſtered on behalf of Lady Cork.

To the firſt interrogatory it was done as directed, and the witneſs anſwers, that ſhe comes to give evidence in this cauſe, at the deſire of Mr. Follitt, Lord Cork's attorney: that the names Sophia Van Ryne, are the reſpondent's two names; and, to the reſt of the interrogatories, ſhe conceives ſhe is not obliged to anſwer, and therefore refuſes to anſwer.

SOPHIA VAN RYNE.

The

The Deposition of John Colledge.

JOHN COLLEDGE, at No. 7, Air-ſtreet, in the pariſh of St. James, Weſtminſter, in the county of Middleſex, gentleman, aged about 37 years, a witneſs produced and ſworn.

To the tenth article of the ſaid libel, and to the paper writing marked with the letter C, therein pleaded and exhibited, the deponent ſaith, that upwards of fourteen years ago he went to live as ſervant to Lord Cork, party in this cauſe, and continued in his ſervice about two years; and by that means came well to know his lordſhip, as alſo lady Cork his wife, the other party in this cauſe; that during the time he ſo lived with lord Cork, he very frequently ſaw Lady Cork write, and received notes, letters, &c. from her, of her hand-writing; and by that means came well to know and be acquainted with her manner and character of hand-

writing; and now viewing and carefully inſpecting the ſaid paper writing marked C, now produced and ſhewn to him, he ſaith, that he doth verily and in his conſcience believe the whole ſeries and contents, and the ſuperſcription or addreſs thereon, to be of the proper hand-writing of Lady Cork; and he does believe, and is convinced, that Lady Cork ſeveral times mentioned therein, and who, as he believes, wrote the ſame; and the right honourable Ann Counteſs of Cork and Orrery, party in this cauſe was, and is one, and the ſame perſon, and not divers: and further to the ſaid article or exhibit he cannot depoſe.

To the twelfth article of the ſaid libel, and to the paper-writings or exhibits, marked with the letters D, E, F, G and H, therein pleaded and exhibited, and now produced and ſhewn to the deponent, he ſaith, after having very carefully viewed and peruſed the ſame reſpectively, as alſo the ſuperſcription on ſuch of them as are directed, that, as by him before mentioned, he is well acquainted with Lady Cork's manner and cha-

character of hand-writing; and he does verily and in his conſcience believe the whole ſeries and contents of the ſaid five exhibits reſpectively, and the ſuperſcriptions thereon, to be all of the proper hand-writing of Lady Cork; and he does believe, and is convinced that Lady Cork, who, as he believes, wrote the ſaid exhibits, and is mentioned therein reſpectively; and the right honourable Ann Counteſs of Cork and Orrery, party in this cauſe, was, and is one and the ſame perſon, and not divers.

To the ſeventeenth article of the ſaid libel, and to the paper-writings or exhibits, marked with the letters I and K, therein pleaded and exhibited, and now produced and ſhewn to the deponent, he ſaith, after having carefully viewed and peruſed the ſame, as alſo the ſuperſcriptions or addreſs thereon, that he doth verily and in his conſcience believe the whole ſeries and contents thereof reſpectively, and the ſuperſcriptions thereon, to be all of the proper hand-writing of Lady Cork: and he does believe, and is convinced, that Lady Cork, mentioned

tioned in the ſaid two paper writings reſpectively, and the right honourable Ann Counteſs of Cork and Orrery, party in this cauſe, to be one and the ſame perſon.

JOHN COLLEDGE.

22d May, 1781.

The ſame witneſs on interrogatories adminiſtered on the part of Lady Cork, party in this cauſe.

To the firſt interrogatory, the witneſs being reminded of the nature of an oath, and the ſin and danger of perjury, and admoniſhed to ſpeak the truth, anſwers, that he well knew Lord Cork and Lady Cork, parties in this cauſe, and came ſo to know them upwards of fourteen years ago; that he comes to be a witneſs in this cauſe by the deſire of Mr. Jeſſer, Lord Cork's attorney.

To

To the second interrogatory he answers that he knows the interrogate Peter Osborn and has so known him upwards of five years; and to explain how far he was concerned in this business, he saith, that in consequence of a message from Lord Cork he waited upon him on the 18th of December, 1779, and Lord Cork, after giving him to understand that he had strong reasons to suspect, that an improper intimacy had subsisted between Lady Cork and a Mr. Newby, said he should be obliged to the respondent if he would get at the speech of certain people that he then mentioned, in order to find out if there was any ground for what he suspected; that in consequence thereof, this respondent, on that day, called upon the said Peter Osborn at his house in Shepherd's Market, as being the most likely person to introduce him to the acquaintance of Lady Cork's servants; and the respondent afterwards had several meetings with him upon that business, and once or twice at a public-house in Shepherd's Market, in or about the month of January or February 1780; but the respondent declares

that

that he never aſked him to become a witneſs in the cauſe, nor did he ſurmiſe ſuch a thing; that he does remember, in the courſe of converſation, at one of their meetings at the ſaid public-houſe, that the ſaid Peter Oſborn complained of the badneſs of the times, and the ſcarcity of money in buſineſs; and the reſpondent voluntarily of himſelf, and without any authority of the kind from Lord Cork, offered to lend him then, or at any future time, ten, twenty, or thirty pounds, and immediately took a ten pound bank note out of his pocket for that purpoſe; which the ſaid Peter Oſborn declined, ſaying, at the ſame time, he was much obliged to the reſpondent for the offer; but the reſpondent expreſſly denies that he treated the offer with contempt, or that he expreſſed himſelf as interrogate; and ſo far from having the leaſt difference, the ſaid Peter Oſborn ſeemed particularly friendly, and offered him the utmoſt of his aſſiſtance, in introducing him to Lady Cork's ſervants: and the reſpondent had ſeveral meetings with him upon that buſineſs; and it was the ſaid Peter Oſborn himſelf

himſelf that more particularly enjoined ſecrecy, ſaying, that Lady Cork had always been a great friend to him, and that he would not wiſh to have it known that he took any part in the buſineſs; and the reſpondent remembers his particularly ſaying, that if the reſpondent wanted to get at the bottom of the buſineſs, he muſt get at the ſpeech of Lady Cork's woman, and one Field, who was then diſcharged from her ladyſhip's ſervice; mentioning, at the ſame time, that they were looked upon as ſweethearts; and that what one knew, he ſuppoſed the other knew; and farther or otherwiſe to the ſaid interrogatory, he knows not to anſwer.

To the third interrogatory he anſwers, that, in conſequence of what the ſaid Peter Oſborn had ſaid, with reſpect to the ſaid Field, this reſpondent having diſcovered his addreſs on the third of February 1780, as interrogate, he wrote a letter to him in Yorkſhire, wherein he deſired to know whether he, the ſaid Field, was ſhortly coming to town, or in the courſe of the

winter; if not, whether he would, if requeſted, for that he the reſpondent believed his attendance might be neceſſary, upon a very particular buſineſs, thereby meaning the matter in diſpute between Lord Cork and Lady Cork, reſpecting her intimacy with Mr. Newby; that the reſpondent alſo, in his ſaid letter, promiſed that all the expences of the ſaid Field ſhould be paid; and that he ſhould have a handſome preſent for his trouble, as the reſpondent in juſtice ought, for coming ſo far upon a buſineſs, the particulars of which the reſpondent had not acquainted him with in his letter; and the paper writing, marked A, annexed to the ſaid interrogatories, being now produced and ſhewn to him, and he having carefully inſpected the ſame, ſaith, that the ſaid paper writing is of his own proper hand writing and ſubſcribing; and is the very letter ſo written by him to the ſaid Field, and referring thereto; and to his aforegoing anſwers, he knows not further to anſwer to the ſaid interrogatories.

JOHN COLLEDGE.

19*th May*, 1781.

The Depoſition of Suſannah Jones.

SUSANNAH JONES, at No. 4, Piccadilly, in the county of Middleſex, widow, aged about 38 years, a witneſs produced and ſworn.

To the ſaid libel ſhe depoſes and ſays, that ſhe has no knowledge of Lord Cork or Lady Cork, parties in this cauſe, excepting that ſhe has ſeveral times ſeen a gentleman reſpecting this buſineſs, whom ſhe was told was Lord Cork; ſhe further ſaith, that on Aſh Wedneſday, in the year 1779, ſhe went to live as ſervant with the articulate John Charles Newby, at his lodgings at the houſe of Mrs. Robbins, a perfumer in Oxford-ſtreet, and continued to live with him as his ſervant till about the Michaelmas following; and ſhe by that means came well to know him, that he his a young man between

twenty and thirty years of age; and during the time this deponent lived with him, was employed as a muſician at the public theatre; that about a month after the deponent ſo went to live with him, he left Oxford-ſtreet, and took lodgings at Mr. Drummond's, in Taviſtock-ſtreet, Covent-garden; where he continued to live and reſide when the deponent left his ſervice; ſhe further ſays, that about a quarter of a year after ſhe ſo went to live with the ſaid John Charles Newby, but more particularly ſhe cannot recollect, a chairman brought a letter, directed to her ſaid maſter, which ſhe left with the deponent, and which ſhe delivered to him; but whether he was at home or not, at the time the ſaid letter came, the deponent cannot ſay; that ſome ſhort time afterwards, ſhe believes it might be a day or two, the ſame chairman brought another letter, directed as before, and which the deponent delivered to her ſaid maſter; and from that time, till within about a month of the deponent's leaving his ſervice, letters and parcels were conſtantly brought,

two or three times every week, to her ſaid maſter by the ſame chairman, or his fellow chairman; that to the beſt of the deponent's remembrance, the chairman, the firſt three or four letters, did not ſay from whom he had brought them; but afterwards he in general mentioned that he had brought them from Lady Cork; and if her ſaid maſter happened to be at home, he, for the moſt part, waited for an anſwer; and the letters, or paper writings, marked C, D, E, F, G, H, I and K, pleaded and exhibited in the ſaid libel, being now produced and ſhewn to her, and ſhe having carefully inſpected the ſame, ſays, that ſhe really cannot take upon herſelf to ſay, whether they are any of the letters that were ſo, as aforeſaid, brought to her ſaid maſter, or not, as ſhe never took any particular notice of them; and further ſhe knows not to depoſe to the ſaid libel, ſave that one time in particular, ſhe remembers one of the aforeſaid chairmen came, when her ſaid maſter was out, and ſaid he had a letter for her maſter, and that there was ſome money in it; and that

he

he ſhould have been glad if her maſter had been at home, for that if he was a generous man, he would give him ſomething to drink; ſhe alſo remembers that her ſaid maſter, after ſeveral letters had been brought by the ſaid chairman, deſired her, if either of ſuch chairmen ſhould come with a letter again, to ſay that he was not at home; and the deponent, in conſequence thereof, denied him ſeveral times, but took in the letters, and delivered the ſame to her maſter; and ſhe obſerved, after that, that letters did not come ſo frequently.

The ſame witneſs on interrogatories, adminiſtered on behalf of Lady Cork, party in this cauſe.

To the firſt, the nature of an oath, and the ſin and danger of perjury, were explained to the witneſs, and ſhe was admoniſhed to ſpeak the truth, as directed; and ſhe anſwers, ſhe comes to be examined as a

witneſs

witneſs in this cauſe, at the requeſt of a gentleman, whom ſhe has frequently ſeen upon this buſineſs; but whoſe name ſhe does not now remember, though ſhe has frequently heard it; that ſhe imagines him to be Lord Cork's attorney.

To the ſecond interrogatory ſhe anſwers, that ſhe firſt ſaw the gentleman, whom ſhe was told, and believes to be Lord Cork, ſome time in the courſe of laſt ſummer, at the houſe of a Mr. Williams, by Shepherd's Market, Bolton Row, where this deponent then lived ſervant with a lady; that he came with the gentleman, at whoſe requeſt ſhe now comes to be examined, and who then aſked her ſeveral queſtions as to what ſhe knew reſpecting this buſineſs; but Lord Cork aſked her no queſtions at all; that ſhe hath ſeen him ſeveral times ſince, but ſhe cannot pretend to ſay how often, or when, in particular, excepting the day before yeſterday, when he called upon this reſpondent, at No. 4, Piccadilly, in company with the before mentioned gentleman, to tell her the time ſhe was to attend to be examined; that

that it has been at a Miſs Townſend's, No. 10, Northumberland-ſtreet, where this reſpondent lived ſervant with a lady, that ſhe has chiefly ſeen Lord Cork; ſhe has alſo ſeen him at his proctor's, in Doctor's Commons; and at all the times ſhe has ſo ſeen him, it hath been relative to this buſineſs; and further or otherwiſe, ſhe knows not to anſwer to that interrogatory.

To the third interrogatory ſhe anſwers, that ſhe well knows the interrogate Sophia Drummond, and firſt came to know her by going to live with the aforeſaid John Charles Newby, with whom the ſaid Sophia Drummond then lived; that ſhe then went by the name of Newby; and the reſpondent never knew her to go by any other name than that of Newby, and her preſent name of Drummond; that when the ſaid Sophia Drummond left Mr. Newby entirely, which was at the time the reſpondent left his ſervice, ſhe took the reſpondent to live with her as her ſervant; and went and reſided, for a few days, at a Mr. Ward's, in Shepherd's Market; and then went into the country,

where

where she continued about a fortnight, and then returned, and went into lodgings, in Bolton-street Piccadilly, where she continued about a fortnight, as this respondent believes, and she then took lodgings at a Mrs. Williams's, in Bolton Row, the corner of Curzon-street, May Fair, and continued there about three months; and she then took a house in Portland street, but lived there only a short time; and she then told the respondent she was going abroad; and the respondent saw no more of her till about last Michaelmas, being in all about the space of four months; and the respondent saith, from the time the said Sophia Drummond left Mr. Newby, until she said she was going abroad, as before mentioned, no person lived with her, excepting this respondent, and the said Mrs. Ward, who lived with her in the quality of companion; that when the said Sophia Drummond returned, which was about Michaelmas last, she took this respondent into her service again, and she has lived with her ever since; and from that time, till within this week, the said

Sophia Drummond hath lodged at Mis Townſend's, before mentioned, and now lives at No. 4, Piccadilly, and the only perſon ſhe hath lived with ſince ſhe left Mr. Newby, is an eminent muſician, now abroad, whoſe name the reſpondent thinks ſhe is not at liberty to mention; that the ſaid Sophia Drummond is, as ſhe believes, generally known by the term of a lady of pleaſure, or kept miſtreſs, as interrogate; and lived in that quality with Mr. Newby, the gentleman before mentioned, at bed and board.

To the fourth interrogatory ſhe anſwers that ſhe underſtands that the gentleman before mentioned, now abroad, has left the ſaid Sophia Drummond ſufficient to ſupport herſelf in an eaſy genteel manner; and ſhe underſtands it is her intention of going abroad to that gentleman very ſoon.

To the fifth interrogatory the reſpondent anſwers, that ſhe ſupports herſelf by ſervice; that ſhe heard and believes that the ſaid Sophia Drummond, in the year 1779, ſpent the greateſt part of the ſummer at the camp,

at

at Coxheath; that ſhe ſent for this reſpondent to come to her, at Maidſtone, which the reſpondent did, and ſtaid about two days with her: ſhe remembers, in one of thoſe days, a gentleman, who went by the name of Shephard, dined with the ſaid Sophia Drummond; but whether his name was really Shephard, or whether he was Lord Cork, the reſpondent, upon her oath, cannot take upon herſelf to ſay, as ſhe did not take particular notice of him; and to the reſt of the matters enquired after by this interrogatory, ſhe ſays ſhe is an entire ſtranger, and therefore cannot anſwer thereto, otherwiſe than in her anſwer to the preceding interrogatories, to which ſhe refers.

To the ſixth interrogatory ſhe anſwers, that the ſaid Sophia Drummond is a very pleaſing woman, in her opinion, and ſeems to be about two or three and twenty; that ſhe remembers Lord Cork did viſit the ſaid Sophia Drummond, at Mrs. Williams's, before mentioned, ſeveral times; but he always came, as ſhe ever ſaw, accompanied by the gentleman, whom ſhe looks upon to be

his attorney, as before mentioned; that this reſpondent never ſaw Lord Cork and the ſaid Sophia Drummond alone together; that ſhe does not know that Lord Cork was ever alone with the ſaid Sophia Drummond in her bed-chamber; and, with reſpect to Lord Cork's ever being intimately, or carnally connected with the ſaid Sophia Drummond, or lying in the ſame bed with her, this reſpondent can, of her own knowledge, ſay nothing; nor can ſhe take upon herſelf to form a belief, or diſbelief, concerning the ſame; and referring to her aforegoing anſwers, ſhe knows not further to anſwer to the ſaid interrogatory.

SUSANNAH JONES.

The

24th May, 1781.

The Depoſition of Thomas Sutliff.

THOMAS SUTLIFF, chairman to the right honourable Ann Counteſs of Cork and Orrery, party in this cauſe, aged about 38 years, a witneſs produced and ſworn.

To the ſaid libel he depoſes and ſays, that he now is, and for two years laſt paſt has been, chairman to the ſaid Lady Cork; that he only knows Lord Cork, the party producent, her ladyſhip's huſband, by ſight; that they have lived ſeparate from each other ever ſince the deponent knew them; he further ſays, that he remembers he, ſometime about the ſummer of the year 1779, carried ſeveral notes or letters, from Lady Cork to the articulate John Charles Newby, at his lodgings, at No. 22, Taviſtock-ſtreet, Covent Garden; that, to the beſt of his preſent re-

remembrance and belief, the number of the notes or letters he ſo carried to the ſaid John Charles Newby, did not exceed ſix; that he did not find the ſaid John Charles Newby at home above once or twice at the times he ſo carried the ſaid notes or letters; and the only anſwer he then brought back from the ſaid John Charles Newby, was, that it was very well, or ſomething to that effect; but at this diſtance of time, the deponent cannot take upon himſelf to ſpeak certainly as to what the meſſage was that he ſo brought back; that the deponent always left the ſaid notes or letters, with the ſaid John Charles Newby's woman ſervant, if he was not at home; and ſhe always ſaid ſhe would give them to her maſter as ſoon as he came in; and the deponent cannot take upon himſelf to ſay, that he ever carried any note or letter from the ſaid Lady Cork to the ſaid John Charles Newby, which he or his ſervant, or any other perſon, ever refuſed or heſitated to take in, and which he did not always give to the ſaid John Charles Newby himſelf, or leave

leave with his said servant for that purpose; and the said letters or exhibits, marked C, D, E, F, G, H, I and K, pleaded and exhibited in the said libel, being now produced and shewn to him, and having carefully inspected the same, he saith, that he does not remember that he ever saw Lady Cork write, and not being able to write himself, he looks upon himself as no judge of hand writing, and therefore cannot take upon himself to say whether the said letters are of her ladyship's writing or not; and further to the said libel or the said exhibits, any or either of them, he knows not depose, save that Lady Cork now lives in Queen-street, May Fair, in the parish of Saint George, Hanover Square, in the county of Middlesex, and has so done ever since the deponent hath been in her ladyship's service.

The ſame witneſs, on interrogatories, adminiſtered on behalf of Lady Cork, party in this cauſe.

To the firſt interrogatory, the witneſs, being reminded of the nature of an oath, and the ſin and danger of perjury, and admoniſhed to ſpeak the truth, anſwers, that he hath known Lady Cork upwards of two years, and firſt came to know her ladyſhip, by plying as chairman in the neighbourhood, and afterwards by living in her ſervice; that as by him before depoſed, he hath carried ſeveral notes or letters from Lady Cork to the ſaid Mr. Newby; that to the beſt of his remembrance, he delivered one or two to Mr. Newby, and the reſt to his woman ſervant; that the ſaid John Charles Newby never refuſed, nor did his ſaid ſervant, or any other perſon, refuſe to receive the ſaid letters or notes, or any one of them, or bid him to take back the ſaid notes or letters,

or

or any of them, or ſaid any thing to that effect; but, on the contrary, the ſaid notes or letters were conſtantly received by the ſaid John Charles Newby himſelf, or his ſaid ſervant.

⋈

The mark of THOMAS SUTLIFF.

24*th May*, 1781.

The Depoſition of James Durham.

JAMES DURHAM, of May Fair, in the County of Middleſex, chairman, aged 44 years, a witneſs produced and ſworn.

To the ſaid libel he depoſes and ſays, that he knows Lord Cork and Lady Cork, parties in this cauſe; and firſt came to know them,

upwards of eight years ago, by being employed by Lady Cork, as a chairman; and the deponent hath occaſionally ſerved her ladyſhip till nearly down to the preſent time; that when he firſt knew the ſaid Lord Cork and Lady Cork, they lived and cohabited together as huſband and wife, in Queen ſtreet, May Fair, and were always reputed and eſteemed as ſuch; that he believes they have now lived ſeparate for ſome years; but when their ſeparation took place, the deponent knows not; he further ſaith, that he hath now and then carried meſſages and letters, or notes, for Lady Cork; but he never, in his life, to the beſt of his preſent remembrance and belief, ever carried either meſſage, note, or letter, from Lady Cork, to any perſon by the name of Newby, in Taviſtock ſtreet, Covent Garden, or any other place, nor does he know any perſon of that name; and the exibits or letters, marked C, D, E, F, G, H, I, and K, being now produced and ſhewn to him, he ſaith, that he hath never ſeen Lady Cork write, and that he is a very little judge of

of writing, and therefore cannot ſay whether the ſaid letters, now produced to him, are of her ladyſhip's hand-writing or not; and further he knows not to depoſe to the ſaid libel, or the ſaid exhibits, any or either of them, ſave, that Lady Cork's reſidence in town hath been ever ſince the deponent firſt knew her, and now is, in Queen-ſtreet aforeſaid.

The mark of JAMES DURHAM.

7th June, 1781.

The Depoſition of Martha Brown.

MARTHA BROWN (wife of Robert Brown) of Bow-ſtreet, Covent Garden, in the county of Middleſex, aged about fifty-two years, a witneſs produced and ſworn.

To the ſaid libel ſhe depoſes and ſays, that ſhe never ſaw the articulate Mr. Newby, to her knowledge; but ſhe is certain there was ſuch a gentleman who belonged to Drury lane playhouſe; and about a year and a half ago he lodged, as ſhe underſtood and believes, at a broker's, in Taviſtock ſtreet, Covent Garden; and he uſed to employ this deponent's huſband, and fellow witneſs, Robert Brown, who is a chairman, in carrying letters and parcels for him; that at the time the ſaid gentleman ſo lodged in Taviſtock-ſtreet, and rather better than a year and a half ago, ſhe remembers his woman

man servant, by name Jones, brought a parcel for the deponent's said husband to carry, directed to Lady Cork; but the deponent's husband not being in the way, this deponent herself carried it to Lady Cork's house, the corner of some street in May Fair, and there delivered it to a footman, but did not wait for an answer; that a second time, in the absence of the deponent's husband, and she believes it might be a month after the former, the said Mr. Newby's servant brought another parcel, directed as before, to Lady Cork; and the deponent took the same to her ladyship's house, in May Fair, aforesaid, and delivered it to the servant who opened the door, but did not wait for an answer; and further she knows not to depose to the said libel, save that she remarked that both the said parcels had three seals upon them.

The mark of MARTHA BROWN.

The

9th June, 1781.

The Depoſition of George Bulkley.

GEORGE BULKLEY, of Panton-ſtreet, in the Hay Market, in the county of Middleſex, muſician, aged 39 years, a witneſs produced and ſworn.

To the eighth and fifteenth articles of the ſaid libel, he depoſes and ſays, that for theſe laſt four or five ſeaſons, he has been engaged at the theatre, in the Hay market, to lead the band; and that he well knows the articulate John Charles Newby; and at the time this deponent was appointed to lead the band, he engaged him to play the violencello, which he continued to do, till the expiration of the ſeaſon of the year 1779; that the deponent only knows Lady Cork, party in this cauſe, by ſeeing her at the Theatre, in the Hay Market; and remembers ſhe pretty conſtantly attended the ſame, during the ſeaſon of the year 1779; that

that the box her ladyſhip uſually ſat in, to the beſt of this deponent's recollection, was next the king's box, and at that end of the orcheſtra, where the perſon playing the violencello always ſits; he further ſaith, that having heard, in the courſe of the before mentioned ſeaſon, ſome reports of Lady Cork's having particularly noticed the ſaid Newby, this deponent afterwards, during the remainder of the ſaid ſeaſon, from motives of curioſity, uſed to obſerve her ladyſhip, and very frequently ſaw her look at the ſaid John Charles Newby through her glaſs; but ſaith, her ladyſhip did not particularly uſe a glaſs to look at him, the ſaid Newby, but appeared to the deponent to uſe it indifferently upon other occaſions; and the deponent never ſaw any thing in Lady Cork's behaviour to the ſaid John Charles Newby, excepting merely looking at him, that was either ſo remarkable or familiar as to be taken notice of; and he never mentioned any thing upon the ſubject to the ſaid John Charles Newby; and further to the ſaid articles he knows not to depoſe,

GEORGE BULKLEY.

9th *June*, 1781.

The Depoſition of William Jones.

WILLIAM JONES, of Lower John-ſtreet, Golden Square, in the county of Middleſex, muſician, aged 42 years, a witneſs produced and ſworn.

To the eighteenth and fifteenth articles of the ſaid libel, he depoſes and ſays, that he has performed as a muſician at the Theatre in the Hay Market, for ſeveral ſeaſons laſt paſt; that he well knows the articulate John Charles Newby, and has known him ſeveral years; that the ſaid John Charles Newby was, for ſeveral ſeaſons, employed at the ſaid Theatre, to play the violencello; and to the beſt of the Deponent's recollection, he was employed there during the ſeaſon of the year 1779; and, in the courſe of that ſeaſon, as he verily believes the time to have been, the deponent heard it reported

that

that Lady Cork looked at Newby; that till such report, the deponent did not even know Lady Cork by sight; that he was then induced to ask which was Lady Cork; who being pointed out to him, the deponent, during the remainder of the season, when her ladyship came to the said Theatre, which was frequently, occasionally looked at her, and did observe that she several times looked towards that part of the orchestra where the said John Charles Newby and this deponent always sat; but the deponent never remarked any thing the least extraordinary or particular in Lady Cork's behaviour to him the said John Charles Newby, that he thinks could be taken any particular notice of; and further he knows not to depose to the said articles, save that the box that Lady Cork generally sat in, as he remembers to have observed, was next the king's box over the pit door, and at that end of the orchestra where the said John Charles Newby and this deponent sat.

WILLIAM JONES.

19*th June* 1781.

The Depoſition of Elizabeth Brown.

ELIZABETH BROWN, at preſent in lodgings at the houſe of Mrs. Ann Bawle, in Shepherd's Market, May Fair, in the county of Middleſex, ſpinſter, aged about nineteen years, a witneſs produced and ſworn.

To the ſaid libel ſhe depoſes and ſays, that, laſt Eaſter was two years, ſhe went to live as kitchen maid with Lady Cork, party in this cauſe, at her ladyſhip's houſe, in Queen-ſtreet, May Fair, and continued to live with her, in that capacity, for about two years, and by that means came to know her ladyſhip; ſhe further ſays, that her buſineſs, in her ladyſhip's family, was chiefly confined to the kitchen; and it was but very ſeldom that ſhe ſaw Lady Cork, and then only when ſhe was ſtepping in or out of her carriage: that with reſpect to the articulate

John

John Charles Newby, this deponent does not remember that she ever saw him; nor does she remember to have heard in the family, that any person of that name ever visited Lady Cork; and it was entirely out of the deponent's province, to know what company her ladyship had at any time with her; and this deponent very seldom did know; and the exhibits, or letters, marked C, D, E, F, G, H, I and K, pleaded and exhibited in the said libel, being now produced and shewn to her, she saith, that she never saw Lady Cork write, and therefore cannot say whether the said exhibits, or letters, are of her ladyship's hand-writing or not; and further to the said libel, or exhibits, any or either of them, she knows not to depose.

The same witness, on interrogatories, administered on behalf of Lady Cork, party in this cause.

To the first interrogatory, it was done as directed, and the witness answers, that she

has known Lady Cork upwards of two years, and came to know her by going to live as a ſervant in her ladyſhip's family; that this reſpondent was in the capacity of kitchen-maid, and lived in her ladyſhip's family, in that capacity, from Eaſter 1779, till ſome-time about laſt Eaſter, when ſhe left her ladyſhip's ſervice.

To the ſecond interrogatory ſhe anſwers, that ſhe never ſaw the interrogate John Charles Newby to her knowledge; that ſhe never, during the whole time ſhe ſo lived with Lady Cork, ſaw, or knew any thing improper in her ladyſhip's conduct, nor ever ſuſpected her ladyſhip capable of any act not ſtrictly virtuous and honourable.

To the third interrogatory ſhe anſwers, that Lady Cork is, as ſhe verily believes, a perſon of an amiable virtuous diſpoſition, this reſpondent having never heard any otherwiſe of her.

The mark of ELIZABETH ✕ BROWN.

The

19*th June*, 1781.

The Deposition of Ann Lambert.

ANN LAMBERT, spinster, servant to Lady Cork, party in this cause, aged thirty-eight years, a witness produced and sworn.

To the said libel she deposes and says, that last July was five years, she went to live as house-maid to Lady Cork, party in this cause, at her house, in Queen-street, May Fair, and hath continued to live in her ladyship's family, in that capacity, ever since, and by that means came to know her ladyship; that this deponent hath no knowledge whatever of Lord Cork, the producent, her ladyship's husband, and saith, that, during the whole time this deponent hath lived in Lady Cork's service, they, the said Lord Cork and Lady Cork, have lived separate and apart from each other; but they are generally looked upon, and esteemed to be, as

she

ſhe verily believes, as huſband and wife, by all who know them; ſhe further ſays, ſhe has not the leaſt knowledge of the articulate John Charles Newby, and never ſaw him in her life, and never heard, till about laſt Eaſter was twelvemonth, when this proſecution commenced againſt Lady Cork, and it began to be talked of in the family, that any perſon of that name ever came to her ladyſhip's houſe; that this deponent is convinced, in her own mind, that the preſent charge againſt Lady Cork, for criminal converſation with the ſaid John Charles Newby, muſt be falſe; for that ſhe verily believes there is not a more virtuous perſon than Lady Cork; and that it muſt have been almoſt impoſſible for her ladyſhip to have carried on a criminal connection with the ſaid John Charles Newby, at her houſe, without its being known in the family; and the deponent ſays ſhe never heard, from any of the family, the moſt diſtant ſuſpicion of any ſuch thing; ſhe further ſays, ſhe has frequently heard Lady Cork ſing, and play upon the guittar, which inſtrument her

lady-

ladyship hath had ever since the deponent hath lived in her service; that with respect to Lady Cork not leaving town, during the summer of 1779, she says, that she well remembers that Lady Cork went very frequently to Blackheath that summer, and that she lay from home several nights, sometimes two, sometimes three, and sometimes four nights together; and the paper writings, or exhibits, marked C, D, E, F, G, H, I and K, pleaded and exhibited in the said libel, being now produced and shewn to her; and she, after having carefully inspected the same, says, that she knows Lady Cork's manner and character of hand-writing, by having frequently seen her write, and seen papers of her hand-writing; and says, that the whole series and contents of the said exhibits, or letters, now shewn her, and the superscription on such of them as are directed, are, as she verily believes, of the proper hand writing of Lady Cork; and she does believe that Lady Cork respectively mentioned, in the said letters, and Lady Cork, party in this cause, to be one and the same person;

and

and further ſhe knows not to depoſe to the libel, or exhibits, any or either of them.

The ſame witneſs on interrogatories adminiſtered on behalf of Lady Cork, party in this cauſe.

To the firſt interrogatory, it was done as directed; and ſhe anſwers, that, come next month, ſhe hath known Lady Cork ſix years, and came to know her by going to live in her ſervice; that ſhe hath lived with her ladyſhip ever ſince ſhe hath known her, in the capacity of houſemaid.

To the ſecond interrogatory, ſhe anſwers, that Lady Cork's houſe, from the time the reſpondent hath lived with her, hath been the corner of Queen Street, May Fair, in the county of Middleſex; and the room in which Lady Cork conſtantly ſits, and where ſhe ſees all perſons who come to her, is up one pair of ſtairs, and the corner of the ſaid ſtreet; that the ſaid room hath a bow win-

dow

dow in it, beſides four other windows, two of which look into Charles ſtreet; that the ſaid room, from its ſituation, and the number of windows in it, is overlooked by many of the neighbouring houſes; and the reſpondent verily thinks, whatever paſſes in the ſaid room, may be ſeen from the ſaid houſes; and further anſwering, ſhe ſays that the ſaid room is cloſe adjoining to the ſtair caſe, and perſons going up and down ſtairs may hear what paſſes therein.

To the third interrogatory ſhe anſwers, that Lady Cork always ſees her company in the aforementioned room, without it is her mantua-maker, or milliner; that the reſpondent never knew, till ſometime about laſt Eaſter was twelvemonth, that a perſon, of the name of Newby, had viſited Lady Cork, and never till then heard his name mentioned.

To the fourteenth interrogatory ſhe anſwers, that ſince ſhe has lived with Lady Cork, ſhe has never ſeen or known any impropriety in her ladyſhip's behaviour or

conduct; nor ſince ſhe has lived with her ladyſhip has ſhe ever ſuſpected her ladyſhip capable of any act not ſtrictly virtuous and honourable.

To the fifth interrogatory ſhe anſwers, that Lady Cork is of an amiable diſpoſition, the moſt ſo ſhe ever knew any perſon, and is, as the reſpondent verily and in her conſcience believes, unexceptionably virtuous.

ANN LAMBORT.

8th June, 1781.

The Depoſition of Robert Brown.

ROBERT BROWN, of Bow-ſtreet, Covent Garden, in the county of Middleſex, chairman, aged fifty-four years, a witneſs produced and ſworn.

To the ſaid libel he depoſes and ſays, that, for many years laſt paſt, he has plyed, as a chairman, in Bow-ſtreet, Covent Garden; that he knows the articulate Mr. Newby, and came to know him, between three and four years ago, by being employed in carrying parcels, letters, &c. for him; that the ſaid Mr. Newby was then one of the muſicians to Drury-lane Theatre; that the deponent remembers his coming to live at a Mr. Drummond's, in Taviſtock-ſtreet, Covent Garden, and imagines it muſt now be about three years ago; but he cannot be certain that the ſaid Mr. Newby continued

to live at Mr. Drummond's better than a year; and, during that time, the deponent remembers he carried ſeveral letters and parcels from him, directed to Lady Cork, at her ladyſhip's houſe, the corner of Queen-ſtreet, May Fair; that the deponent cannot now recollect the certain number of the letters and parcels he ſo carried, but imagines they could not exceed ſix or ſeven; that he never received, above twice or thrice, an anſwer to take back to the ſaid Mr. Newby, and it was then always in writing, and ſealed up; and further to the ſaid libel he knows not to depoſe.

ROBERT BROWN.

☞ *Upon the hearing of this cauſe, the court refuſed to grant a divorce from bed, board, and mutual cohabitation, (as prayed for) between the Rt. hon. Edmund Earl of Cork and Orrery, and Ann Counteſs of Cork and Orrery, his wife.*

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[illegible]